

REMARKS

The office action summary indicates that the Information Disclosure Statement filed on March 10, 2005 has not been considered. In particular, the office action states that “the submitted IDS does not include copies of the foreign patents listed and hence have not been considered.” Accordingly, attached hereto is a copy of the OIPE hand delivery filing receipt, stamped by OIPE on March 10, 2005, acknowledging receipt of items including:

- Information Disclosure Statement;
- Form PTO-1449;
- Copies of 2 references and English translations; and
- EPO communication.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Inasmuch as the above items are properly itemized on the postcard receipt and the filing receipt, it is respectfully submitted that the copies of the foreign patents were in fact submitted together with all items related to the Information Disclosure Statement. The examiner is therefore requested to initial and return the Form PTO-1449 filed on March 10, 2005

Claims 1 – 7 and 9 – 20 are pending. Claims 10 – 14 have been withdrawn. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 7, 9 and 15 – 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 4 and 7 – 10 of co-pending application Ser. No. 10/619,511.

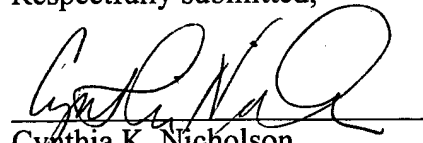
Submitted herewith is a terminal disclaimer signed by an attorney of record. The filing of the terminal disclaimer herein is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

In view of the terminal disclaimer, the applicant respectfully requests that this rejection be withdrawn.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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